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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,283	07/15/2003	Kelvin Todd Evans	15072.9A	7726

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EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/620,283

Applicant(s)

EVANS

Examiner

James M Hewitt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/13/04
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings were received on 5/7/04. These drawings are acceptable.

### ***Claim Objections***

Claims 1-33 are objected to because of the following informalities:

In claim 1 line 8, "cross section" should be "cross-sectional".

In claim 1 line 12, "at least one" should be replaced with "a".

In claim 1 line 13, the phrase "a first retention portion of" should be inserted between "from" and "the".

In claim 1 line 16, the phrase "at least one" should be replaced with "a".

In claim 1 line 25, from what is "therefrom" referring?

In claim 3 line 2, "longitudinal" should be inserted before "ports".

Claim 4 should be rewritten as follows: "A manifold according to claim 1, wherein the manifold comprises a third effluent retention portion and a third transverse port, and wherein the first transverse port extends from the first effluent retention portion for directing fluid flow in a first transverse direction, and the second and third transverse ports respectively extend from the second and third effluent retention portions for directing fluid flow in a second transverse direction, which second transverse direction radially opposes the first transverse direction."

In claim 6 line 3, "second" should be deleted for clarity.

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In claim 7 line 6, "cross section" should be "cross-sectional".

In claim 7 line 11, "at least one" should be replaced with "a".

In claim 7 line 14, "at least one" should be replaced with "a".

In claim 11 line 2, "longitudinal" should be inserted before "ports".

Claim 13 should be rewritten similarly to claim 4. Refer above.

In claim 14 line 1, "second" should be "first".

In claim 14 line 2, "two first" should be replaced with "second and third".

In claim 17 line 3, "second" should be deleted for clarity.

In claim 19 line 6, "then" should be "than".

In claim 19 line 6, "cross sectional" should be "cross-sectional".

In claim 19 line 17, from what is "therefrom" referring?

In claim 26 line 7, "cross section" should be "cross-sectional".

In claim 26 line 10, "at least one" should be replaced with "a".

In claim 26 line 11, the phrase "a first retention portion of" should be inserted between "from" and "the".

In claim 26 line 14, "at least one" should be replaced with "a".

In claim 27 line 5, from what is "therefrom" referring?

In claim 29 line 1, "longitudinal" should be inserted before "ports".

Claim 30 should be rewritten similarly to claim 4. Refer above.

In claim 32 line 3, "second" should be deleted for clarity.

Appropriate correction is required.

***Response to Amendment***

The amendment filed 5/7/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claim 19 now requires that the inner cross-sectional area of the intermediate portion is greater than the inner-cross sectional area of the input and output portions. It is understood that the input and output portions are the first and second longitudinal ports. There is no clear support found in the specification or drawings for the inner-cross-sectional area of the intermediate portion to be greater than that of the input and output ports.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCord (US 5,988,943).

With respect to claim 1, McCord discloses a manifold comprising: an elongate tubular body having a first longitudinal port (at 18 on left in Figure 1) and an opposing second longitudinal port (at 18 on right in Figure 1) for providing fluid flow through the

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body along a longitudinal axis thereof, the elongate tubular body having at least one effluent retention portion (14) and at least one conduit portion (16) formed therein, wherein an inner cross-sectional area of the elongate tubular member for the at least one effluent retention portion is greater than the inner cross-sectional area for the at least one conduit portion (the conduit portion fits within the retention portion, thus the inner cross-sectional area of the retention portion is greater than that of the conduit portion), a first transverse port (at 25) positioned between the first and second longitudinal ports for providing a transverse fluid flow from the at least one effluent retention portion, the first transverse port having an axis within a plane of and generally orthogonal to the longitudinal axis, a second transverse port (25) positioned between the first transverse port and at least one of the first and second longitudinal ports for providing a second transverse fluid flow from a second retention portion of the at least one retention portion, the second transverse port having an axis within the plane of the generally orthogonal to the longitudinal axis. McCord fails to teach opposing first and second ribs extending outwardly from an outside surface of the conduit portion of the tubular body, wherein the first and second ribs radially extend from the longitudinal axis are orthogonal to the plane having the transverse port axes and longitudinal axis therein, and wherein the ribs provide means for supporting the manifold during installation thereof. As the use of opposing ribs on a pipe body is admitted to be known, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ ribs on McCord in order to provide and impart additional strength to the pipe.

With respect to claim 2, McCord fails to teach that each of the ports is closed, and wherein a cut is made in the manifold for opening a selected one of the ports for permitting fluid flow therethrough. Nevertheless, the examiner takes official notice of the use of frangible closures for pipes. McCord employs plugs or end caps to close his ports. Frangible closure means are a common substitute.

With respect to claim 3, wherein the first and second ports are centered about a longitudinal axis of the elongate tubular body. The second and fifth ports from the left in Figure 1 are centered.

With respect to claim 4, wherein at least one effluent retention portion comprises three effluent retention portions (14, 14 and 20), and wherein two (14, 14) of the three effluent retention portions each have the first transverse port (25) extending therefrom for directing fluid flow into the first transverse direction and the second transverse port extending from the third effluent retention portion (20) for directing flow into the second transverse direction, which second direction radially opposes the first direction. The port connected to retention portion (20) is oriented vertically. The examiner contends that the tee can be rotated or oriented such that the port faces opposite the direction of ports (25).

With respect to claim 5, wherein a top plan view thereof comprises a mirror image of a bottom plan view thereof. With fitting (40) removed, the top view of the device mirrors a bottom view of the device. Note that fitting (40) is not necessarily connected to the device.

With respect to claim 6, McCord fails to teach that the first and second longitudinal ports comprise male and female connections for connecting to a second manifold having a similar form thereto. Each of the longitudinal ports includes a female fitting. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a male fitting in one of the ports in order to facilitate connection to another distribution device.

With respect to claim 7, McCord discloses a manifold comprising: an elongate tubular body having a first longitudinal port (at 18 on left in Figure 1) and an opposing second longitudinal port (at 18 on right in Figure 1) for providing fluid flow therethrough, the elongate tubular body having at least one effluent retention portion (14) and at least one conduit portion (16) formed therein, wherein an inner cross-sectional area of the elongate tubular member for the at least one effluent retention portion is greater than the inner cross-sectional area for the at least one conduit portion (the conduit portion fits within the retention portion, thus the inner cross-sectional area of the retention portion is greater than that of the conduit portion), a first transverse port (25; however for claim 18, the first port has been interpreted as that port having plug 24 therein) positioned between the first and second longitudinal ports for providing a transverse fluid flow from the elongate tubular body in a first transverse direction, a second transverse port (25; however for claim 13, the second port has been interpreted as that port having plug 24 therein) positioned between the first and second longitudinal ports for providing a second transverse fluid flow from the elongate tubular body in a second transverse direction. McCord fails to teach opposing a rib extending outwardly from an outside

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surface of the conduit portion of the tubular body, wherein the rib extends from the conduit portion orthogonal to the plane having the axis of at least one transverse port and the longitudinal axis therein. As the use of opposing ribs on a pipe body is admitted to be known, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ ribs on McCord in order to provide and impart additional strength to the pipe.

With respect to claim 8, McCord fails to teach that each of the ports is closed, and wherein a cut is made in the manifold for opening a selected one of the ports for permitting fluid flow therethrough. Nevertheless, the examiner takes official notice of the use of frangible closures for pipes. McCord employs plugs or end caps to close his ports. Frangible closure means are a common substitute.

With respect to claim 9, wherein at least one of the first and second transverse ports extends from the at least one effluent retention portion.

With respect to claim 10, refer to the obviousness rejection of claim 7.

With respect to claim 11, wherein the first and second ports are centered about a longitudinal axis of the elongate tubular body. The second and fifth ports from the left in Figure 1 are centered.

With respect to claim 12, wherein axes of the first and second transverse ports lie within a single plane of and are generally orthogonal to the longitudinal axis.

With respect to claim 13, wherein at least one effluent retention portion comprises three effluent retention portions (14, 14 and 20), and wherein two (14, 14) of the three effluent retention portions each have the first transverse port (25) extending

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therefrom for directing fluid flow into the first transverse direction and the second transverse port (with plug 24) extending from the third effluent retention portion (20) for directing flow into the second transverse direction, which second direction radially opposes the first direction. The port connected to retention portion (20) is oriented vertically. The examiner contends that the tee can be rotated or oriented such that the port faces opposite the direction of ports (25).

With respect to claim 14, wherein the second transverse port is positioned between the two first transverse ports.

With respect to claim 15, wherein the rib comprises opposing first and second ribs radially extending from the elongate tubular body along the longitudinal axis. Refer to the rejection of claims 7 and 10.

With respect to claim 16, wherein a top plan view thereof comprises a mirror image of a bottom plan view thereof. With fitting (40) removed, the top view of the device mirrors a bottom view of the device. Note that fitting (40) is not necessarily connected to the device.

With respect to claim 17, McCord fails to teach that the first and second longitudinal ports comprise male and female connections for connecting to a second manifold having a similar form thereto. Each of the longitudinal ports includes a female fitting. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a male fitting in one of the ports in order to facilitate connection to another distribution device.

With respect to claim 18, further comprising a septic tank pipe connected to the first transverse port (that port with plug 24) and a drain filed pipe connected to the second transverse port (25) for providing fluid flow therebetween. Refer to column 3 lines 23-50.

With respect to claim 19, McCord discloses a manifold comprising: a tubular body having an input port (18) and an opposing output port (18), and wherein an inner cross-sectional area of the elongate tubular member for the at least one effluent retention portion is greater than the inner cross-sectional area for the at least one conduit portion (the conduit portion fits within the retention portion, thus the inner cross-sectional area of the retention portion is greater than that of the conduit portion), a transverse port (25) extending from the enlarged girth portion. McCord fails to teach opposing a rib extending outwardly from the body at a location removed from the intermediate portion for supporting the manifold during installation thereof. As the use of opposing ribs on a pipe body is admitted to be known, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ ribs on McCord in order to provide and impart additional strength to the pipe.

With respect to claim 20, wherein a longitudinal axis through a center of the input and output ports is orthogonal to a transverse axis passing through a center of the transverse port.

With respect to claim 21, wherein the rib comprises opposing first and second ribs radially extending from the elongate tubular body. Refer to the rejection of claim 19.

With respect to claim 22, wherein the transverse port includes at least three transverse ports, and wherein a central axis for each of the at least transverse ports lies with a plane including a central longitudinal axis of the tubular body.

With respect to claim 23, wherein the rib comprises opposing first and second ribs radially extending from the tubular body. Refer to the rejection of claim 19.

With respect to claims 24 and 25, wherein the inner cross-sectional areas are circular.

Regarding claims 26-33, refer to the above rejections.

### ***Response to Arguments***

Applicant's arguments filed 5/7/04 have been fully considered but they are not persuasive.

Applicant asserts that McCord does not disclose the limitation "wherein an inner cross-sectional area of the elongate tubular member for the at least one effluent retention portion is greater than the inner cross-sectional area for the at least one conduit portion". The Examiner disagrees. As McCord's conduit portion (16) fits within the retention portion (14), the inner cross-sectional area of the retention portion is greater than that of the conduit portion, since the inner diameter of the retention portion is greater than that of the conduit portion.

Note that as Applicant did not challenge or refute the Examiner's taking of official notice, those limitations under official notice are now considered to be admitted prior art by Applicant.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

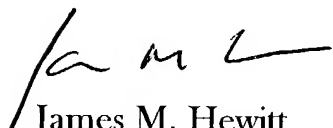
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'James M. Hewitt', is positioned above the printed name.

James M. Hewitt  
Patent Examiner  
Technology Center 3600